

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
FEBRUARY 22 2005

025 FEB 22 AM 11:53

DAVID REBEIRO,	)
	)
Plaintiff	)
	)
v.	)
	)
DAVID S. USHER, MARTIN W. NAREY,	)
PAUL M. KELLY, JAMES D. BRIANT,	)
MICHAEL HIGGINS, HOLYOKE POLICE	)
DEPARTMENT, DISTRICT ATTORNEY	)
WILLIAM BENNETT, COMMONWEALTH OF	)
MASSACHUSETTS and the CITY OF HOLYOKE,	)
Defendants	)

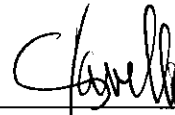
U.S. DISTRICT COURT  
DISTRICT OF MASS

**DEFENDANTS DAVID S. USHER, MARTIN W. NAREY, JAMES D. BRIANT  
AND THE CITY OF HOLYOKE'S OPPOSITION TO PLAINTIFF'S MOTION  
TO AMEND HIS COMPLAINT**

The said Defendants oppose the Plaintiff's Motion to Amend his complaint on the grounds that the Amended Complaint continues to fail to state a claim upon which relief may be granted and the said Defendants are immune from liability. The proposed Amended Complaint is still based on his prosecution by the Commonwealth of Massachusetts for alleged violations of the state's criminal law.

DATE: Feb. 18, 2005

David S. Usher, Martin W. Narey,  
James D. Briant and the City of  
Holyoke



Charles P. Lavelle  
BBO No. 288420  
Staff Attorney  
City of Holyoke Law Department  
20 Korean Veterans Plaza  
Holyoke, MA 01040  
(413) 322-5580

CERTIFICATE OF SERVICE

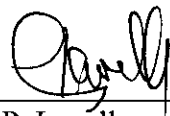
I hereby certify that I have served on the date entered below a copy of the foregoing document by First Class Mail, postage prepaid, to:

David Rebeiro, Pro se  
629 Randall Road  
Ludlow, MA 01056

William P. O'Neal, Esq.  
Assistant Attorney General  
Western Massachusetts Division  
1350 Main Street  
Springfield, MA 01103-1629

Austin M. Joyce, Esq.  
Edward R. Reardon, P.C.  
397 Grove Street  
Worcester, MA 01605

DATE: Feb. 18, 2005

  
\_\_\_\_\_  
Charles P. Lavelle